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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,839	12/07/2001	Francis Coret	Q67591	7789

7590 10/23/2002

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Washington, DC 20037-3213

EXAMINER

CULLER, JILL E

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,839

Applicant(s)

CORET ET AL.

Examiner

Jill E. Culler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show a display at the level of the label dispenser or on a user interface of the franking machine as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1-7 are objected to because of the following informalities: In claims 1 and 7, the phrase "wherein it further comprises" in line 5, does not clearly indicate what "it" is referring to. Also, the grammatical structure of these claims is awkward and should be reviewed. In particular, in claim 1, the phrases "on the one hand" in line 5 and "on the other hand" in line 7 are confusing. Appropriate correction is required.

Claim 2 recites the limitation "the display of different thresholds" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 -7 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT publication WO00/41960 in view of U.S. Patent No. 4,151,403 to Woolston.

With respect to claims 1 and 7, WO00/41960 shows a conventional tape dispenser, 20, comprising a delivery roller, 64, on which is wound a continuous tape, 70, a drive means, 62, for conveying this tape along a dispenser conveying path, mounted on the drive means, 62, a coding means, 80, for measuring an angular displacement of the drive means, and processing means, 100, for processing the measurements from the sensor. WO00/41960 also shows a tape dispenser 60', comprising a delivery roller 64', on which is wound a continuous tape, 70', a drive means, 62', a coding means, 80', for measuring an angular displacement of the delivery roller, and processing means, 100, for processing the measurements from the sensor.

WO00/41960 does not show the two coding means mounted on the delivery roller and the drive means at the same time. WO00/41960 also does not show that the processing means calculates a remaining length of the continuous tape.

Woolston shows an optical encoder, 50, and a processing means, 44, which calculates the length of web remaining on the roll. See columns 4-7.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the two coding means as in WO00/14960 at the same time in order to provide more detailed information for determining the status of the tape. It would also have been obvious to apply the processing means of Woolston in order to calculate the remaining length of the tape using this information.

With respect to claims 2-4, while WO00/14960 does not discuss the details of a display means for outputting the results of the processing, Woolston does teach a data display for outputting the length of web remaining on the roll. See column 11, line 67 - column 12, line 6. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the display of Woolston to the modified invention of WO00/14960 in order to output the results in the form of a display. With respect to claim 2, it would have been obvious to provide this display in a format with thresholds corresponding respectively to 100%, 75%, 50%, 25% and 0% in order to present the output in a format which could be easily interpreted by an operator. With respect to claims 3 and 4, it would have been obvious to locate the display in any position where it would be potentially viewable by the operator in order to make the information readily accessible.

With respect to claims 5 and 6, WO00/14960 teaches the use of an encoder wheel and an optical sensor as a coding means, see page 5, lines 27-32. Likewise, Woolston teaches an optical encoder which generates a train of digital pulses, see column 2, lines 56-59. Although these references do not discuss their optical encoders in greater detail, it is well known to use an optical emitter/receiver in cooperation with a

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coder disc, on which slots defining a step of unitary displacement of the coding means are made at regular intervals and in equal steps of unitary displacement. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an optical emitter/receiver cooperating with a coder disc on which slots defining a step of unitary displacement of the coding means are made at regular intervals and in equal steps of unitary displacement, as a coding means in order to measure the angular displacement of the driving means and delivery roller in an accurate manner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

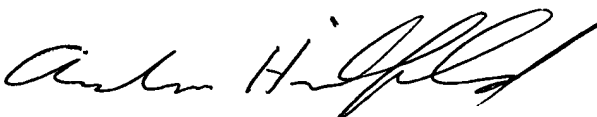
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (703) 308-1413. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

jec
October 21, 2002



ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800